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Customer Number

Patent
Case No.: 58852US004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: PURKINS, GRAHAM

Application No.: 10/561655

Confirmation No.: 7781

Filed: 14-JUN-2004

Group Art Unit 3754

Title: MULTI-COMPONENT VALVE STEMS

REPLY BRIEF ON APPEAL

Mail Stop: Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
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September 3, 2010
Date

/Renee A. Wolff/
Signed by: Renee A. Wolff

Dear Sir:

This is a Reply Brief from the Examiner's Answer dated August 27, 2010.

STATEMENT OF ADDITIONAL FACTS

No additional facts are relied upon in this reply.

ARGUMENT

In the Examiner's Answer, on page 6, in the section entitled "Response to Argument", the Examiner asserts that "Bryant clearly discloses a medicinal metering valve and valve stem which only lacks the claimed elastomeric sleeve." This assertion is irrelevant and not responsive to the Appellant's point. The Appellants submit that that the teachings of Neff, provided in the context of apparatuses that "require speedy and precise control of large volumes of operating air" such as "an air cylinder, an air brake, a press clutch" lie in a field that does not inform one of ordinary skill in the art regarding aerosol valve stems that are useful, for instance, in metered dose dispensing devices. See both column 1, lines 5 to 20 and column 5, lines 50 to 56 of Neff. The fact that Bryant relates to medicinal metering valves and valve stems does not in any way negate the shortcomings of Neff or its inappropriateness as a secondary reference. That is, a showing that the primary reference (Bryant) lies in an analogous field of art does not relieve the Patent Office of its obligation to establish that the secondary reference (Neff) does as well. Such a showing has not been made.

CONCLUSION

For the foregoing reasons, appellants respectfully submit that the Examiner has erred in rejecting this application. Please reverse the Examiner on all counts.

Respectfully submitted,

September 3, 2010

Date

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